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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,390	03/29/2004	John R. Aslanian JR.	2996-101	3073

6449	7590	08/09/2007
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EXAMINER	
ZURITA, JAMES H	

ART UNIT	PAPER NUMBER
3625	

NOTIFICATION DATE	DELIVERY MODE
08/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/811390

EXAMINER

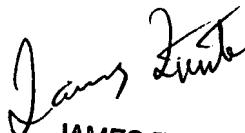
ART UNIT	PAPER
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20070801

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please see attached.


JAMES ZURITA
PRIMARY EXAMINER

Commissioner for Patents

DETAILED ACTION

Response to Amendment

Applicant filing of 28 September 2005 is non-responsive. MPEP § 821.03.

The reply to an election/restriction requirement this requirement to be complete **must** include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The remaining claims (36-107) are not readable on inventions I-VI identified in the original restriction requirement. Inventions I-VI contain no mention of, *inter alia*, electronic greeting card, shell greeting cards and other features shell greeting card and other limitations introduced by amendment.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- VI Claims 35-69, 104 and 105, drawn to methods and system electronic distribution of advertisements, classified in class 705, subclass 14.
- VIII Claims 70-103 and 106, drawn to methods and system electronic distribution of advertisements, classified in class 705, subclass 14.

Invention VI and Invention VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In the instant case, invention I has separate utility such as

electronically transmitting an invitation, via the Internet, to view the modified electronic greeting card to said at least one recipient.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

Election Required

Applicant is advised that the reply to this requirement to be complete ***must*** include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Conclusion

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS**, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
3 August 2008 *7*

James Zurita
JAMES ZURITA
PRIMARY EXAMINER